

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to physician assistants

The Director of the Workforce Development Department hereby amends Chapter 24, “Claims and Benefits,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 96.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 90A and 96 as amended by 2022 Iowa Acts, House File 803.

Purpose and Summary

This rulemaking aligns with the changes implemented in 2022 Iowa Acts, House File 803. In particular, the amendments allow claimants to utilize advice from a physician assistant in addition to a physician. A public hearing was held on August 29, 2023, for the Regulatory Analysis for this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 20, 2023, as **ARC 7071C**. A public hearing was held on August 29, 2023, for the Regulatory Analysis for this chapter. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on October 25, 2023.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on December 20, 2023.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 24.23(6) as follows:

24.23(6) If an individual has a medical report on file submitted by a physician or a physician assistant, stating such individual is not presently able to work.

ITEM 2. Amend subrule 24.25(35) as follows:

24.25(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- a.* Obtain the advice of a licensed and practicing physician or physician assistant;
- b.* Obtain certification of release for work from a licensed and practicing physician or physician assistant;
- c.* Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician or physician assistant; or
- d.* No change.

ITEM 3. Amend paragraph **24.26(6)“a”** as follows:

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician or physician assistant. Upon recovery, when recovery was certified by a licensed and practicing physician or physician assistant, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

ITEM 4. Amend subrule 24.26(9) as follows:

24.26(9) The claimant left employment upon the advice of a licensed and practicing physician or physician assistant for the sole purpose of taking a family member to a place having a different climate and subsequently returned to the claimant's regular employer and offered to perform services, but the claimant's regular or comparable work was not available. However, during the time the claimant was at a different climate the claimant shall be deemed to be unavailable for work notwithstanding that during the absence the claimant secured temporary employment. (Family is defined as: wife, husband, children, parents, grandparents, grandchildren, foster children, brothers, brothers-in-law, sisters, sisters-in-law, aunts, uncles or corresponding relatives of the classified employee's spouse or other relatives of the classified employee or spouse residing in the classified employee's immediate household.)

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/15/23.